IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5972 OF 2004

1. Holya Lasha Mahale and anr. .. Petitioners
vs
Shri Raghunath Holya Mahale, .. Respondent
Mr R.M.Haridas i/b Mr P.N.Joshi, for the petitioners.
Mr A.H.Palekar, for the respondent.

CORAM : D.B.BHOSALE, J.

DATE : MAY 02, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. Mr Haridas, learned counsel for the petitioners, at the outset, submits that the petitioners would be satisfied if the directions are given to the appellate court to dispose of Civil Misc.Application No.22 of 2004 for condonation of delay within time frame with direction to the parties to maintain status-quo as granted vide order dated 27.7.2004 till disposal of the said application. Mr Palekar, learned counsel for the respondent, has no objection for giving such directions. However, he submitted that the order of status-quo may be continued in respect of possession only and not in respect of the execution proceedings which are in progress. After having heard the learned counsel for

the parties, I am satisfied that the following order will meet the ends of justice.

(i) The trial Court shall endeavour to dispose of Civil Misc. Application No.22 of 2004 for condonation of delay, in preferring an appeal, as expeditiously as possible and preferably within a period of three months from today. The petitioners are directed to produce a copy of this order before the Court below within two weeks from today.

(ii) Parties are directed to maintain status-quo in so far as possession of the properties is concerned. It is open for the execution Court to proceed with the execution of the decree. The petitioners are directed not to create third party rights in the suit property and/or part with possession till the dispose of the proceedings before the appellate Court.

(iii) The petitioners to pay cost of Rs.500/- to the respondents on or before the first date of hearing of the application for condonation of delay.

(D.B.Bhosale, J.)

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